

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

AUG 26 2004

Case No. 5444
Date Filed 8-19-04
Hearing Date _____
Receipt _____
Fee \$400

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☒ **Special Exception**
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5444 MAP 10 TYPE Special Exception

ELECTION DISTRICT 05 LOCATION 4042 Grier Nursery Road

BY Lois A. Hamrick and William J. Blomeier, Jr.

Appealed because a special exception pursuant to Section 267-53H(3) of the Harford County Code to allow a kennel, and Section 267-53H(4) of the Harford County Code to allow pet grooming in an Agricultural District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/ Owner (please print or type)

Name Lois A. Hamrick Phone Number call attorney
Address 4042 Grier Nursery Road Pylesville MD 21132-1331
Street Number Street City State Zip Code

Co-Applicant William A. Blomeier, Jr. Phone Number call attorney
Address 4042 Grier Nursery Road Pylesville MD 21132-1331
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative John J. Gessner Phone Number 410-893-7500
Address 11 S. Main Street Bel Air MD 21014
Street Number Street City State Zip Code

Land Description

Address and Location of Property Lt 8 10.387 AC 4042 Grier Nursery Road
Wilson's Chance PT 81/65

Subdivision _____ Lot Number 8

Acreage/Lot Size 10.387 Election District 5 Zoning AG

Tax Map No. 10 Grid No. 4D Parcel 269 Water/Sewer: Private X Public _____

List ALL structures on property and current use: barn, dwelling; residential

Estimated time required to present case: 30 minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? N/A

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No X

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No X

Is this request within one (1) mile of any incorporated town limits? Yes _____ No X

Request

see attached

Justification

see attached

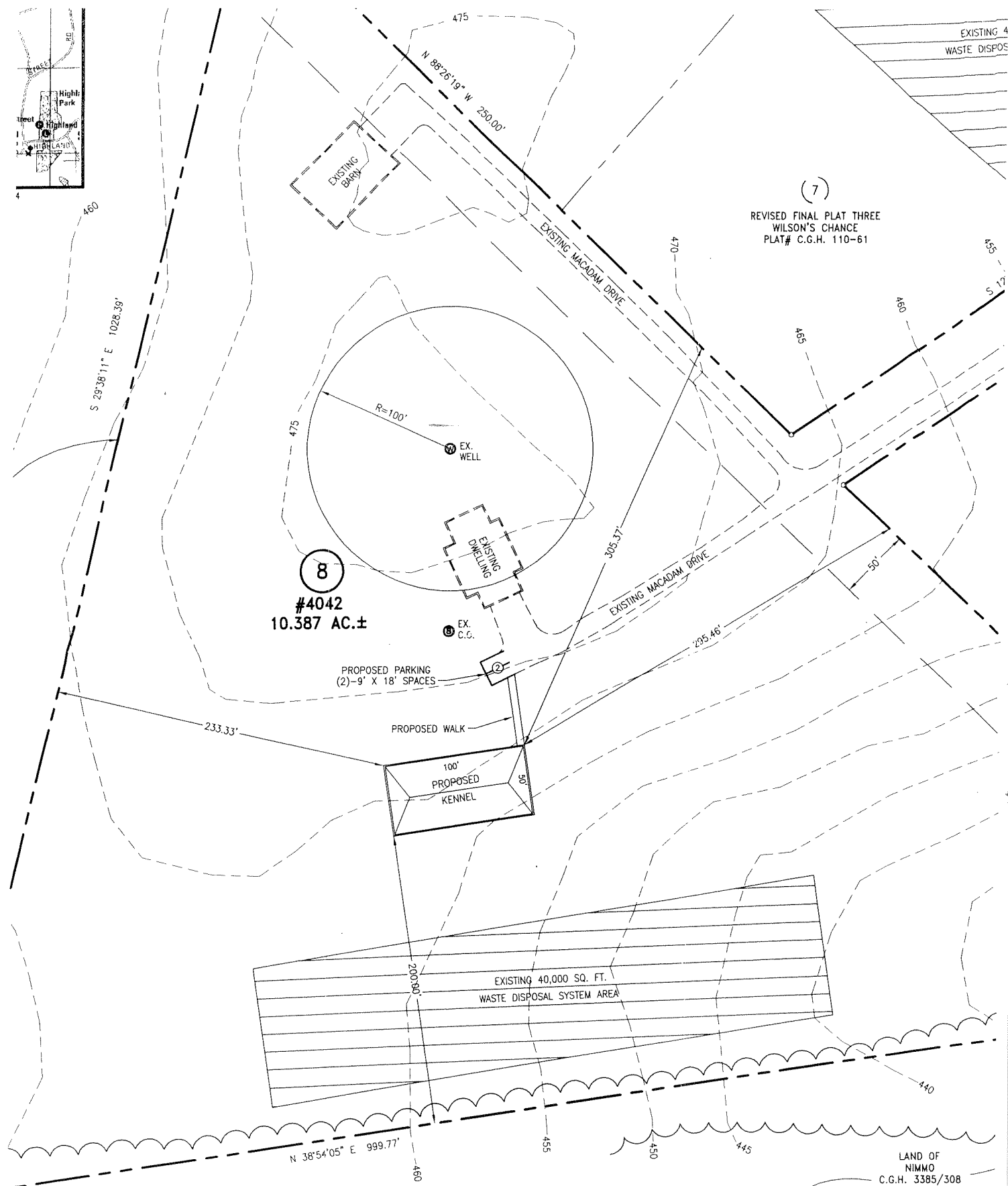
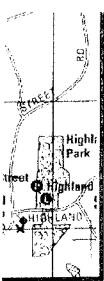
If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

2 : 6/28/04
2 : 19637.doc
206161

ATTACHMENT TO APPLICATION OF LOIS A. HAMRICK AND WILLIAM J.
BLOMEIER, JR.

REQUEST: A special exception pursuant to Section 267-53(H)(3) of the Harford County Zoning Code ("Code") to conduct a kennel, including accessory pet grooming, on the subject property zoned AG, Agricultural, as shown on the attached site plan.

JUSTIFICATION: The proposed use is compatible with uses permitted as of right in the AG district and will cause no adverse impact. The subject property is ideally suited for the proposed use given its size, location and surrounding uses.



(7)
REVISED FINAL PLAT THREE
WILSON'S CHANCE
PLAT# C.G.H. 110-61

8
#4042
10.387 AC.±

PROPOSED PARKING
(2)-9' X 18' SPACES

PROPOSED WALK

100'
PROPOSED
KENNEL

EXISTING 40,000 SQ. FT.
WASTE DISPOSAL SYSTEM AREA

SITE DATA

1. TOTAL SITE AREA: 10.387 AC.±
2. CURRENT ZONING: AG
3. CURRENT USE: RESIDENCE
4. PROPOSED USE: RESIDENCE WITH ANIMAL KENNEL (5,000 SF.)
5. TAX MAP#: 10, PARCEL#: 269, GRID#: 4D
6. DEED REFERENCE: C.G.H. 3141/159
7. PLAT REFERENCE: C.G.H. 81-65
8. PARKING REQUIREMENTS:

1 SPACE PER EMPLOYEE/2 EMPLOYEES (ONE RESIDENT): 1 PARKING SPACES

9. PARKING PROPOSED AS DEPICTED: 2 PARKING SPACES
10. THE FACILITY WILL NOT HAVE OUTSIDE ANIMAL RUNS.

LAND OF
NIMMO
C.G.H. 3385/308

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



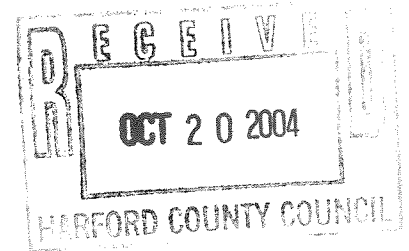
J. STEVEN KAH-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

October 12, 2004

STAFF REPORT



BOARD OF APPEALS CASE NO. 5444

APPLICANT/OWNER: Lois A. Hamrick
4042 Grier Nursery Road, Pylesville, Maryland 21132

Co-APPLICANT/OWNER: William A. Blomeier, Jr.
4042 Grier Nursery Road, Pylesville, Maryland 21132

REPRESENTATIVE: John J. Gessner
11 S. Main Street, Bel Air, Maryland 21014

LOCATION: 4042 Grier Nursery Road – Wilson's Chance
Tax Map: 10 / Grid: 4D / Parcel: 269 / Lot: 8 / Plat: 81/65
Election District: Five (5)

ACREAGE: 10.387 acres

ZONING: AG/Agricultural

DATE FILED: August 19, 2004

HEARING DATE: November 3, 2004

APPLICANTS' REQUEST and JUSTIFICATION:

Request:

"A special exception pursuant to Section 267-53(H)(3) of the Harford County Zoning Code ("Code") to conduct a kennel, including accessory pet grooming, on the subject property zoned AG, Agricultural, as shown on the attached site plan."

Preserving our values, protecting our future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET • BEL AIR, MARYLAND 21014 • 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.

STAFF REPORT

Board of Appeals Case Number 5444

Lois A. Hamrick &

William A. Blomeier, Jr.

Page 2 of 7

Justification:

“The proposed use is compatible with uses permitted as of right in the AG district and will cause no adverse impact. The subject property is ideally suited for the proposed use given its size, location and surrounding uses.”

CODE REQUIREMENTS:

The Applicants are requesting a special exception pursuant to Section 267-53H(3) of the Harford County Code to allow a kennel, and Section 267-53H(4) of the Harford County Code to allow pet grooming in an Agricultural District.

Section 267-53H(3) of the Harford County Code reads:

- (3) *Kennels. These uses may be granted in the AG, VB, B1 and B2 Districts, provided that all buildings for the shelter of animals and all runways shall be located at least two hundred feet from any lot line.*

Section 267-53H(4) of the Harford County Code reads:

- (4) *Pet grooming. This use may be granted in the AG, VB, B1 and B2 Districts, provided that:*
- (a) *The activity takes place inside a completely enclosed building.*
 - (b) *No animals may be kept overnight, except those owned by the proprietor.*

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 1).

Section 267-9I of the Harford County Code will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants' property is located in the northern end of the County and is part of the community known as Pylesville. The site is recorded as Lot 8 in the Wilson's Chance subdivision off of the west side of Grier Nursery Road, south of Pylesville Road (MD Route 165). A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located outside of the Development Envelope. The predominant land use designation in this area of the County is Agricultural. The Natural Features Map reflects Agricultural Preservation Districts and Easements, sensitive species project review areas, Deer

STAFF REPORT

Board of Appeals Case Number 5444

Lois A. Hamrick &

William A. Blomeier, Jr.

Page 3 of 7

Creek Scenic River District and stream systems. The subject property is designated as Agricultural, which is defined by the 2004 Land Use Element Plan as:

Agricultural – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachment 4 and 5).

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. The predominant land use is Agriculture, which includes cropland, pastureland and large areas of dense woodland. Residential uses are mainly single family dwellings on large lots. The topography of the area ranges from rolling to steep slopes, especially near the stream valleys. There are several churches in the area. Enclosed with the report is a copy of the aerial photograph (Attachment 6).

The Applicants' property is located on the west side of Grier Nursery Road south of MD 165 and is part of the Wilson's Chance subdivision. The lot backs up to the Susquehanna Transmission right-of-way. It is an unusually shaped panhandle lot and is approximately 10.387 acres in size. The topography ranges from gently sloping to rolling. Improvements consist of a large two-story single-family dwelling, an existing barn, white fencing around pasture fields, a horse walking and training ring, a blacktopped driveway leading back to the dwelling and a gravel driveway extending back to the existing barn. The lot is served by a private well and septic system. The proposed building to be used with the kennel and grooming operation will be located to the left of the dwelling. Enclosed with the report is a topography map, an enlargement of the aerial photograph and site photographs (Attachments 7, 8 and 9).

Zoning:

The zoning classifications in the area are consistent with the intent of the 2004 Master Plan as well as the existing land uses. The predominant zoning classification in this area of the County is AG/Agricultural, including the subject property. Enclosed with the report is a copy of the Zoning Map (Attachment 10).

STAFF REPORT

Board of Appeals Case Number 5444

Lois A. Hamrick &

William A. Blomeier, Jr.

Page 4 of 7

SUMMARY:

The Applicants are requesting a special exception pursuant to Section 267-53H(3) of the Harford County Code to allow a kennel, and Section 267-53H(4) of the Harford County Code to allow pet grooming in an Agricultural District.

Section 267-53H(3):

- (3) *Kennels. These uses may be granted in the AG, VB, B1 and B2 Districts, provided that all buildings for the shelter of animals and all runways shall be located at least two hundred feet from any lot line.*

The property is located in the AG/Agricultural District. The proposed building and use are to be located to the left and rear of the existing dwelling. The building will be at least 200 feet from the closest property line. It has come to the attention of the Department that the applicant is proposing to have an outdoor exercise area. This area would be considered to be an outdoor run. The outdoor area will need to meet the 200 foot setback and the only place that this is practical is to the rear of the proposed building. This would allow the building to help screen the outdoor area. The Department further recommends that this area be screened with evergreen trees, at least 6 feet in height at planting. The applicant needs to identify the outdoor area on a site plan to be presented at the Hearing.

Section 267-53H(4):

- (4) *Pet grooming. This use may be granted in the AG, VB, B1 and B2 Districts, provided that:*

The property is zoned AG/Agricultural.

- (a) *The activity takes place inside a completely enclosed building.*

If approved, the Applicants are proposing to construct a 50 foot by 100 foot building that will house the kennel and grooming business.

- (b) *No animals may be kept overnight, except those owned by the proprietor.*

The applicant is also requesting approval of a kennel for this site.

STAFF REPORT

Board of Appeals Case Number 5444

Lois A. Hamrick &

William A. Blomeier, Jr.

Page 5 of 7

Section 267-9I:

(1) *The number of persons living or working in the immediate area.*

The subject property is located in a rural area of the County. The primary land use is Agriculture. The overall topography ranges from rolling to steep. There are no major residential developments, only large lot subdivisions such as Wilson's Chance. The proposal should have no adverse impact on the adjacent residences and the community.

(2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The property is located on the west side of Grier Nursery Road. Grier Nursery Road is a paved County road. The sight distance at the entrance to the subject property is good in both directions. The proposal should not adversely impact traffic in the area.

(3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The use is permitted in the Agricultural District with Board of Appeals approval. With proper conditions on the use, the use should have no adverse impact on the surrounding community.

(4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The proposed use should not generate much dust, odors, gas, smoke, fumes and vibrations. Noise from within the building can be controlled by proper insulation and soundproofing of the structure. The approval should be conditioned that no pets are housed outside. The only outside activity should be for the exercise of the pets.

(5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Harford County Sheriffs Office and the Maryland State Police will provide police protection. The Whiteford Volunteer Fire Company will provide the primary fire and emergency protection. Water and sewer facilities will be provided by an on-site well and septic system that will require approval by the Health Department. A company of the Applicants' choice shall handle trash collection.

STAFF REPORT

Board of Appeals Case Number 5444

Lois A. Hamrick &

William A. Blomeier, Jr.

Page 6 of 7

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The use as proposed is consistent with generally accepted planning principles.

- 7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The proposal should have no impact on any of the uses listed in this subsection. The North Harford School complex is located to the north and west along MD Route 165 and should not be impacted by the proposal.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal is consistent with the 2004 Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The proposal should not adversely impact any environmentally sensitive natural features.

- (10) *The preservation of cultural and historic landmarks.*

The request will not impact any historic landmarks.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants shall obtain all necessary permits and inspections for the construction of the proposed building and outside exercise area.
2. The Applicants shall submit a detailed site plan showing all existing and proposed improvements including landscaping and lighting to be approved through the Development Advisory Committee.
3. The building shall be insulated to reduce noise impacts on the adjacent lots and surrounding property.
4. The outdoor exercise area shall be located to the rear of the proposed building and screened with evergreen trees at least 6 feet in height at the time of planting.

STAFF REPORT

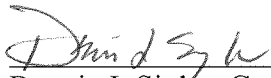
Board of Appeals Case Number 5444

Lois A. Hamrick &

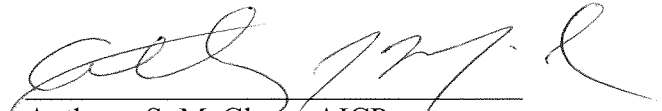
William A. Blomeier, Jr.

Page 7 of 7

5. The hours of operation shall be limited to 7:00 am to 8:00 pm Monday thru Saturday. There shall be no Sunday hours for grooming and any drop off or pick up of pets shall be by appointment only.
6. Pets shall not be boarded outside. Outside activity shall be limited to the exercise/play area.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/ka